

COUNTY OF PLACER

Community Development Resource Agency

Michael J. Johnson, AICP Agency Director **PLANNING**

HEARING DATE: July 8, 2010

ITEM NO.: 1

TIME: 10:03 am

TO:

Placer County Planning Commission

FROM:

Development Review Committee

DATE:

June 25, 2010

SUBJECT:

SUBDIVISION MODIFICATION (PSM 20100133)

"TAHOE CITY INDUSTRIAL PARK"

GARAGE SECOND STORY ADDITION - SCHAEFER

GENERAL PLAN: Tahoe City Area

GENERAL/COMMUNITY PLAN DESIGNATION: Plan Area Statement 007 Lake Forest Glen -

Residential

ZONING: PAS - 007 Lake Forest Glen Residential

STAFF PLANNER: Stacy Wydra, Senior Planner

LOCATION: The project is located at 410 Cyrnos Way, Lot 20 of the Tahoe City Industrial Park subdivision, north off North Lake Boulevard, in the Lake Forest area of Tahoe City (APN:093-

280-012).

APPLICANT: Eric Schaefer, owner

PROPOSAL: The applicant requests the approval of a Subdivision Modification to the 20 foot front building setback line for light and air purposes shown on Book H, Page 85 of the Tahoe City Industrial Park Subdivision Final Map for the construction of an addition consisting of approximately 658 square feet of living space above the existing two vehicle garage. The addition to the garage is proposed zero feet from the front property line, 20 feet into the recorded 20 foot setback.

BACKGROUND:

At the June 24, 2010 Planning Commission public hearing after hearing the presentation by staff and receiving testimony from the applicant, the Planning Commission took action to continue the Subdivision Modification request and directed staff to prepare findings and conditions necessary to allow approval of the proposed project.

RECOMMENDATION:

Based on the direction provided by the Planning Commission, Staff has prepared the following findings and the attached recommended conditions of approval for the Planning Commission's consideration.

FINDINGS: CEQA

 The project has been determined to be categorically exempt from the provisions of CEQA per Section 18.36.050, Class 3 - New construction or conversion of small structures, Placer County Environmental Review Ordinance (CEQA Guidelines Section 15303). The proposed living space above the existing garage and request for a reduced setback falls within this category and no environmental impacts are anticipated.

Subdivision Modification

- 1. Pursuant to Section 66472.1, (Amending of Final Maps) of the Subdivision Map Act, the Planning Commission finds that the project as proposed will comply with the intent of the conditions of the map and subject to the conditions of approval, the construction of living space above the existing garage will not create a public safety issue with regards to snow removal operations.
- 2. The project is compatible with the intent of the Tahoe City Industrial Park Subdivision in that the living space above the existing garage is in keeping with the characteristics of the existing conditions of the subdivision and will not create a detriment to the neighborhood character.
- 3. The Granting the Subdivision Modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the property is located in that the living space located at a zero foot setback and within the 20 foot required mapped setback is in keeping with the existing characteristics and character of the developed of other residential parcels within the subdivision.

Respectfully submitted,

Stacy Wydra Senior Planner

ATTACHMENTS:

Attachment A – Recommended Conditions of Approval
Attachment B – June 24, 2010 Planning Commission Staff Report Packet – For Reference Only

cc: Michael Johnson – Agency Director
Paul Thompson – Deputy Planning Director
Loren Clark – Deputy Planning Director
Steve Buelna - Supervising Planner
Stacy Wydra, Senior Planner
Karin Schwab - County Counsel's Office
Sharon Boswell - Engineering and Surveying Division
Jill Pahl- Environmental Health Services
Yu-Shuo Chang – Air Pollution Control District
Andy Fisher - Parks Department
Eric Schaefer – Owner/Applicant
Subject/chrono files



CONDITIONS OF APPROVAL – SUBDIVISION MODIFICATION "TAHOE CITY INDUSTRIAL PARK" (PSM 20100133) GARAGE SECOND STORY ADDITION - SCHAEFER

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

- 1. This Subdivision Modification approves an amendment to the Tahoe City Industrial Park Subdivision Final Map, Book H-Maps, page 85 to modify the 20-foot front building setback line on Lot 20 to allow a zero foot front setback line in order to construct residential living space above an existing garage.
- 2. The applicant shall prepare and submit to the Planning Department an exhibit map for a Notice of Map Modification to modify the building setback line for this lot. The Notice of Map Modification shall be recorded prior to issuance of a building permit for the garage addition.
- 3. Prior to commencement of any work on site, the applicant shall obtain a permit(s) to include both grading (if applicable) and construction of the building. Complete building plans and engineering in accordance with the County Building Code will be required for the structure.
- 4. The final site and building designs for the project shall comply with the site plans and building elevations approved on July 8, 2010 and on file in the Community Development Resource Agency and as modified by the conditions of approval.
- 5. Unless County and TRPA approval are obtained, the living space permitted above the garage shall solely be used by the residents of the existing residence and shall not be rented as a separate residential unit.
- 6. Prior to the issuance of any grading and/or building permit, the applicant shall place tree protection measures, i.e. protective fencing around the trees to be retained. The protective fencing shall be placed around the tree to the drip line.
- 7. The applicant shall comply with any conditions imposed by California Department of Forestry and/or the serving fire district, the North Lake Tahoe Fire Protection District.
- 8. Living space is only permitted within the portion of the structure above the existing garage footprint within the front setback as approved as part of this application. Any windows of the proposed structure within the front setback and facing Cyrnos Way shall be tempered/wired safety glass or equivalent.

- 9. Prior to Building Permit issuance, the applicant shall process an abandonment of the 15' wide public utility easement (PUE) adjacent to Cyrnos Way and shown on Tahoe City Industrial Park (Book H of Maps, Page 85). Contact John Weber at the Department of Public Works (DPW) (530)745-7564.
- 10. The effective date of approval shall be July 8, 2010, unless the approval is appealed to the Board of Supervisors. In accordance with Sections 17.58.140(D) and 17.58.160(B)(1) of the Zoning Ordinance, the approval of the Map Modification shall be valid for twenty-four (24) months after its effective date. At the end of that time, the approval shall expire and become null and void unless exercised or the time limits of the Map Modification are extended per Section 17.58.160(B)(1).



COUNTY OF PLACER

Community Development Resource Agency

Michael J. Johnson, AICP Agency Director **PLANNING**

HEARING DATE: June 24, 2010

ITEM NO.: 2

TIME: 10:15 am

TO:

Placer County Planning Commission

FROM:

Development Review Committee

DATE:

June 3, 2010

SUBJECT:

SUBDIVISION MODIFICATION (PSM 20100133)

"TAHOE CITY INDUSTRIAL PARK"

GARAGE SECOND STORY ADDITION - SCHAEFER

GENERAL PLAN: Tahoe City Area

GENERAL/COMMUNITY PLAN DESIGNATION: Plan Area Statement 007 Lake Forest Glen -

Residential

ZONING: PAS - 007 Lake Forest Glen Residential

STAFF PLANNER: Stacy Wydra, Senior Planner

LOCATION: The project is located at 410 Cyrnos Way, Lot 20 of the Tahoe City Industrial Park subdivision, north off North Lake Boulevard, in the Lake Forest area of Tahoe City (APN:093-

280-012).

APPLICANT: Eric Schaefer, owner

PROPOSAL: The applicant requests the approval of a Subdivision Modification to the 20 foot front building setback line for light and air purposes shown on Book H, Page 85 of the Tahoe City Industrial Park Subdivision Final Map for the construction of an addition consisting of approximately 658 square feet of living space above the existing two vehicle garage. The addition to the garage is proposed zero feet from the front property line, 20 feet into the recorded 20 foot setback.

CEQA COMPLIANCE: This project is Categorically Exempt from the provisions of CEQA per Section 18.36.050 (Class 3) (E) [New construction or conversion of small structures] of the Placer County Environmental Review Ordinance.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: Public notices were mailed to property owners of record within 300 feet of the project site. A public hearing notice was also published in the *Sierra Sun* newspaper. Community Development Resource Agency staff and the Departments of Public Works, Environmental Health, Air Pollution Control District and the North Tahoe Regional Advisory Council (NTRAC) were transmitted copies of the project plans and

application for review and comment. No public comments have been received at the time of completion of this staff report.

PROJECT DESCRIPTION: The applicant is requesting approval of a Subdivision Modification to allow for the construction of an addition consisting of approximately 658 square feet of living space above an existing two car garage zero feet from the front property line. As shown on the Tahoe City Industrial Park Subdivision Map, a 20 foot setback is mapped along the frontage of the parcel. Contained within the 20 foot building setback is a15 feet wide easement for slope and Public Utilities Easement (PUE), a 20 foot wide easement for light and air to be kept open and free from building, and the required 20 foot front yard setback.

SITE CHARACTERISTICS: The subject parcel is located off of Cyrnos Way. Cyrnos Way, a private looped road which is accessed off of State Highway 28/North Lake Boulevard via Villas Road. The Villas at Lake Forest, a 46-unit condominium project, is located to the south of the subject parcel and single-family residences are located to the west and east with single-family residential parcels north of the subject parcel. The 1.5 acre parcel contains a frontage of 90.98 feet along Cyrnos Way. The parcel was mapped with a 20 foot setback along the frontage of the flaglike shaped 1.5 acre parcel. The project site is currently developed with a 2,184 square foot singlefamily residence, a 676 square foot two-vehicle garage, and 51 square-feet of deck area. The site contains a continuous steep upwards slope of approximately 25 percent from the road, through the rear of the parcel. The 676 square foot garage is currently located zero feet from the property line, a rock rip-rap retaining wall, approximately 15 feet in height, is located to the west of the garage. The vegetation on the project site consists of ground cover, native trees and shrubs. There is an existing sewer and water joint trench that runs along the east side of the garage and then behind the garage to the residence. There is an existing sewer cleanout located behind the garage. The garage is currently constructed over the mapped setback, slope easement and public utilities easement.

EXISTING LAND USE AND ZONING: The existing land uses and zoning of the project site and surrounding properties are as follows:

LAND USE ZONING	
SITE Residential PAS-007 Lake Fores	st Glen -
Residential	
NORTH Residential PAS-007 Lake Fores	st Glen -
Residential	
SOUTH Residential PAS-007 Lake Fore	st Glen -
Residential	
EAST Residential PAS-007 Lake Fore	st Glen -
Residential	
WEST Residential PAS-007 Lake Fore	st Glen -
Residential	

DISCUSSION OF ISSUES:

General Plan/Zoning Consistency – Subdivision Modification

As set forth in the Tahoe City Industrial Park Subdivision, a 20 foot front yard setback is to be maintained for development on the site. Specifically, the note on the recorded subdivision map states: "Easements for light and air over those strips of land between the front and/or side lines of lots and the lines shown hereon and designated "Set Back Line" said strip to be kept open and free from building." The existing conditions of the project site do not comply with the 20 foot mapped setback in that the existing garage is located zero feet from the property line. However, the garage



was approved in 1980 (Building Permit Number B26201) and it was determined that the garage qualified for an automatic setback under the Zoning Ordinance in effect in June of 1979. Specifically, Section 1726(e) of the 1979 Zoning Ordinance was applied to this particular garage which allowed garages to be built to the street line where the elevation of that portion of the lot within thirty (30) feet of the street line was more than six (6) feet above or below the average elevation at the front property line. It is unknown whether or not the mapped setback and/or public utility easement was considered in this determination.

There are a number of existing garages with living space located above the garages in the front mapped setback of the Tahoe City Industrial Park Subdivision located on Cyrnos Way. It is believed that the mapped setback considered in the review of the building permits and the construction within the mapped setback was permitted based upon the slope exception included in the Zoning Ordinance.

The proposed project is not consistent with the 20 foot front mapped setback requirements for the subdivision in that the living space is proposed directly above the existing garage utilizing the existing footprint of the garage which is located within the 20 foot mapped setback. Accordingly, the applicant has requested a Subdivision Modification to allow for the living space to be constructed above the existing garage located on the property line and within the 20 foot required mapped setback. While the single-family residential use, specifically the additional living space above the garage, would be consistent with the Tahoe City General Plan in that the use proposed is residential, the Development Review Committee cannot support living space within the 20 foot setback due to public safety concerns related to the operations of snow removal.

Safety Concerns

As a matter of public safety, the Development Review Committee cannot support Variances to allow living space within the front setback in areas where snow removal activities occur. In this instance, the garage exists at a zero foot setback and the edge of pavement of the street is at the same location. The snow stakes exist at the edge of pavement and the snow removal activities have the potential to damage the structural integrity of the garage which is proposed to be modified to include living space above. Further, the existing garage was constructed within an existing 15' Public Utility Easement (PUE). No record has been found, nor provided by the applicant that explains how this encroachment occurred. Should the Planning Commission make a determination to approve this application, the Development Review Committee would recommend that the applicant remedy the encroachment by preferably taking steps to abandon the Public Utility Easement (PUE) (should all public utilities be in agreement with the abandonment of the easement), or otherwise provide letters from the utility companies that have rights within that easement allowing the encroachment. The letters would need to acknowledge the living space proposed within the easement.

Therefore, the Development Review Committee (DRC) cannot recommend support of the requested Subdivision Modification and the decision for denial is supported in the Findings contained within this staff report.

RECOMMENDATION:

The Development Review Committee (DRC) recommends that the Planning Commission **deny** the Subdivision Modification to the Tahoe City Industrial Park Final Map (PSM 20100133) subject to the following findings:



FINDINGS: CEQA

1. The project has been determined to be categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 3) [New construction or conversion of small structures, (CEQA Guidelines, Section 15303)] of the Placer County Environmental Review Ordinance. The proposed living space above the existing garage and request for a reduced setback falls within this category and no environmental impacts are anticipated.

Subdivision Modification

- 1. Pursuant to Section 66472.1, (Amending of Final Maps) of the Subdivision Map Act, Placer County finds that the conditions of the map continue to be appropriate and necessary to address the public safety issue with regards to constructing living space close to snow removal operations that may create a potential safety hazard.
- 2. The project is not compatible with the intent of the Tahoe City Industrial Park subdivision in that the 20 foot front mapped setback was intended to be an easement for light and air and to be kept open and free from buildings as noted on the subdivision map. Although the garage was constructed within the mapped setback the additional living space above would further prohibit light and air to trespass through the mapped setback above the garage.
- 3. Granting the Subdivision Modification will be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the property is located in that the living space located at a zero foot setback and within the 20 foot required mapped setback may create a public safety issue with regards to snow removal operations.

Respectfully submitted,

Stacy Wydra Senior Planner

ATTACHMENTS:

Attachment A - Vicinity Map Attachment B - Site Plan

CC: Michael Johnson – Agency Director
Paul Thompson – Deputy Planning Director
Loren Clark – Deputy Planning Director
Steve Buelna - Supervising Planner
Stacy Wydra, Senior Planner
Karin Schwab - County Counsel's Office
Sharon Boswell - Engineering and Surveying Division
Jill Pahl- Environmental Health Services
Yu-Shuo Chang – Air Pollution Control District
Andy Fisher - Parks Department
Eric Schaefer – Owner/Applicant
Subject/chrono files

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ABB	REVIATIONS					GENERAL NOTES	PROJECT DESCRIPTION	PROJECT INFORMA
AB. ACUST. ACCT. A	ANCHOR BOLT ABOVE ACOSTICAL ABOVE COMITER TOP ADJACHT ABOVE PRESH FLOOR AGGREGATIE ALIMBUM ALTERNATE ANCHOR ACHITECURAL AVERAGE	FRMG. FTG. FUR. 6. 6A. 6A. 6A. 6L. 6L. 6L. 6HD.	FRA-BIG FOOTING FLARED/ FLARENG SA/S SA/SET SA/SHAZED SERVAL CONTRACTOR SEA/S GLI-JAH BEAM SRAMO	PLT. PLYMD. PNT. PSF. PSSI. PLT. PVG. PVMT.	PLATE PLYMOO PANT PROBET PROBES POUNDS PER SQUARE POOT POUNDS PER SQUARE BICH PRESSARE REALED POLYMINI CALCRIDE PIPE PAYPEBUT GUARRY TILE	I.] ALL DIMENSIONS ARE TO FACE OF FRAMING, UNLESS OTHERWISE MOTED. 2.] DISCREPANCIES IN DIMENSION OR LAYOUT SHALL BE BROUGHT TO THE ATTENTION OF WALTON ARCHITECTURE + ENGINEERING BEFORE PROCEEDING WITH CONSTRUCTION.	CONSTRUCTION TYPE V' NON-RATED ADDITION TO EXISTING GARAGE	OWNER ERIC SCHAEFER P.O. BOX 1224 TAHOE CITY, CA 46145
AVO. BO.		GR. GROR.	GRADE GROER	R	. RISER I	CONSTRUCTION.	APPLICABLE CODES	PROJECT ADDRESS
BIT. BLDG, BLK, BLK6,	BOARD BOTH FACES BULDING BLOCK BLOCKING	6 M.B. H.B. H.D.	60 POINT HALL BOARD HOSE BIB HCLD DOWN	RAD. R.D. RDHD, REF.	RADIUS ROOF DRAIN REDMOOD REFERENCE	3.] AL'. MANUFACTURED ARTICLES, MATERIALS, AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED,	ALL CONSTRUCTION SHALL COMPLY WITH:	410 CYRNOS WAY TAHOE CITY, CA 96145
BH. BLH. BRG. BRZ. BTH. BTHN.	BEAM BELON BEARING BRONZE BOTTOM BETNEEN	HDR. HDMR. HGR. HJRIZ. HT. HT6.	HEADER HARDHARE HANGER HARDONTAL HEIGHT HEATING	r Red Ret. Rev. RM. R.O.	REFRIGERATOR REGURED RETAIN RETAINING ROOM ROUGH OPENING	ERECTED, USED, CLEANED, ADJUSTED, AND CONDITIONED AS DIRECTED BY THE MANUFACTURER UNLESS OTHERWISE SPECIFIED.	2007 CALIFORNIA BUILDING CODE (CBC) 2005 STATE ENERGY BUILDING REGULATIONS TITLE 24 ENERGY REQUIREMENTS	PLASER COUNTY APN 043-280-012
GAB.	BEVEL CABINET CABLE TELEVISION	HVAG.	HEATING/ VENTILATING/ AIR CONDITIONING HOT HATER	5.B. 5.C. 5CHED.	SOLID BLOCKING SOLID CORE SCHEDULE	4.] ALL MATERIALS SHALL BE NEW AND UNUSED, UNLESS OTHERWISE NOTED. ALL WORK SHALL BE PERFORMED IN A WORKMANLIKE MANNER.	2001 CALIFORNIA ELECTRICAL CODE (CEC) 2001 CALIFORNIA MECHANICAL CODE (CMC) 2001 CALIFORNIA PLUMBING CODE (CPC)	GOVERNING AGENCIE
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CHIL CHTR. COL. CONG. CONT. CORR. CPT.	CONCRETE MASONRY UNIT CENTER COLUMN CONCRETE CONTINUOUS	INT. INV. JST. JT.	INVERT JOIST JOINT	5HLV5. 5BM. 5PECS. 5Q. 5dP	SHELVES SIMILAR SPECIFICATION SQUARE SHELF AND POLE	DONE SO BY THE CONTRACTOR PRIOR TO CONSTRUCTION AND REPORTED TO WALTON ARCHITECTURE + ENGINEERING.	CONTRACTOR SHALL KEEP A COPY OF THE ABOVE CODE	TELEPHONE FIRE PROTECTION SEMER
CORR. CPT. CTR. C.Y.	CORRUGATED CARPET CENTER CLEIC YARD	KP. KIT.	KICK PLATE KITCHEN	55D. 55TL 5TD. 5TL	SEE STRUCTURAL DRAWINGS STAINLESS STEEL STANDARD	6] ASPECTS OF CONSTRUCTION NOT FULLY SHOWN SHALL	SECTIONS ON THE JOB SITE AT ALL TIMES. INTISDICTIONAL AGENCY SHALL BE PLACER COUNTY.	SCHOOL DISTRICT
DEMO.	DEHOLITION	LAM.	LAHNATE LAVATORY	STOR. STRUCT.	STEEL. STORAGE STRUCTURAL	BE OF THE SAME CHARACTER AND Q'ALITY AS THOSE SHOWN FOR SIMILAR CONDITIONS.	SURISDICTIONAL AGENCT SHALL BE PLACER COUNTY.	
DJF. DIA. DIAPH, DIM. DIL. DIN. DING. DIN	PONSEAS FIR DIAMETER DIAMETER DIAMETER DIAMETER DEAD LOVO DOWN DRAMEN DRAMEN DRAMEN DISHAMSHER	LF. LF. LPS. LSL LVL	POIND LINEAR FOOT LIVE LOAD LIGARIED PROPANE GAS LAMMATED STRAND LIMBER LAMMATED VENEER LIMBER HASONRY	5H 515. TB. TG. TBP. TIG	SHEAR HALL STSTEM TOFEL BAR TRASH COMPACTOR TELESTONE TELESTONE TELESTONE THICK! THICKNESS	T,] THE BUILDING, THE BUILDING SITE, AS NELL AS THE NEIGHBORING BUILDINGS AND PROPERTIES, SHAL' BE PROTECTED FROM ANY DAMAGE THAT MAY OCCUR DUE TO THE PREFORMANCE OF THIS HORK ANY DAMAGES	VICINITY MAP	
EA EA ELECT. EMER.	EXISTING EACH EROSION CONTROL EXPANSION JOHT ELECTRIC ELECTRICAL EXPRESENCY	HAX MB. MEGIL MFD. MFR.	HACHNE BOLT HECHNICAL HARFACTURED HARFACTURER HINIAH HIRSOR	TOB. TOH. TS. TV. TXT. TYP.	TOP OF BEAM TOP OF MALL TIME STEEL TELEVISION TEXTURE TYPICAL	THAT OCCUR ARE THE FINANCIAL RESPONSIBILITY OF THE GENERAL CONTRACTOR.	PAPER DONE CARNELING	
ENCL. EOP. EQ. EQUIP.	ENCLOSURE EDGE OF PAYEHENT EGUAL EGURPHENT	MIR. MISC. MIL. MUL.	MIRROR MISCELLANEOUS METAL MILLION	UBG. UDIL VERT.	UNIFORM BUILDING CODE UNLESS OTHERWISE HOTED VERTICAL	8.] ALL WASTE AND REFUSE CAUSED BY THE WORK SHALL BE REMOVED FROM THE PROPERTY AND DISPOSED OF BY THE CONTRACTOR. THE PROPERTY	SITE	
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FA.	FIRE ALARM FORCED AIR UNIT	O/	OVER	HG.	HATER CLOSET	LIVINGENING.	HOWTH LAKE BLY	11

4.) THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS TO COORDINATE WITH EXISTING BUILDING CONDITIONS. ANY VARIANCES AND/OR DISCREPANCIES THAT ARISE IN THE COORDINATION DESCRIBED SHALL BE REPORTED TO WALTON ARCHITECTURE + ENGINEERING IMMEDIATELY.

410 CYRNOS WAY
ADDITION TO GARAGE

TAMOL CITY INDUSTRIAL PARK
A BORTION OF NETOFTHE SWIT OF SEC 32, TIGH, RITE, MAKE
PLACER COUNTY, CALIFORNIA
SCIPTINGS 185
SCALIFORNIA
SCAL The meridian of this plat is identical with that of Mighlands thit No. 1: recorded in book of Maps, at Page 92. Placer County hecords. Distances slow the street frontages of corner lots are to the intersection of lot lines produced unless otherwise noted. 3/A" |rompipes set at all street centerline control points. All measurements on curved lines are chord measurements. treet corners have twenty foot radius U. S.F. S. TABLAN there are no liens against those City or the County or mobil State. County or Freil assessment collected as taken over a lien but not yet payable. Taken assigned to the County of payable. I estimate the County of payable. WATSON Book H - Maps - Page 85

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